IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 21101 of 2007(K)

PETITIONER:

K.REGHU, DRIVER, EXCISE CIRCLE OFFICE, KARUNAGAPPALLY, RESIDING AT MOONNUTHENGIL THEKKETHIL, S.V.MARKET P.O., KOZHIKODE MEKE, KARUNAGAPPALLY.

BY ADV. SRI.GOPAKUMAR R.THALIYAL

RESPONDENTS:

----

1. **U.SHAMSUDEEN, DRIVER, EXCISE RANGE OFFICE, KOLLAM.**
2. **THE ASSISTANT EXCISE COMMISSIONER, KOLLAM.**
3. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, EXCISE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. NANDAKUMAR for R2
BY ADV. SRI.G.PRIYADARSAN THAMPI for R3
SRI.V.GOPIKRISHNA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.21101/2007 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE MEDICAL PRESCRIPTION.

EXT.P2: COPY OF THE MEDICAL CERTIFICATE.

EXT..P3: COPY OF THE REPRESENTATION DTD. 18/05/2007.

EXT.P4: COPY OF THE TRANSFER ORDER DTD. 26/06/2007 BY THE 2ND RESPONDENT.

EXT.P5: COPY OF THE ORDER DTD. 7/07/2007.

1ST RESPONDENT'S EXHIBITS:

EXT.R1(A): COPY OF THE CERTIFICATE DTD. 16/07/2007 ISSUED BY DR.RAJU M.D., PSYCHOLOGIST.

EXT.R1(B): COPY OF THE SCAN REPORT DTD. 20/03/2004 OF THE PETITIONER'S WIFE ISSUED BY DR. SANGEETHA SYAM, DMRD.

/TRUE COPY/

P.S.TO JUDGE

KSS

Antony Dominic, J.

==========

W.P(C).No.21101 of 2007

==========

Dated this the 9th day of August, 2007.

JUDGMENT

Ext.P4 is the order of general transfer whereby the petitioner has been transferred from Kollam to Karunagappally. In his place, first respondent who was working at Karunagappally has been transferred and posted at Kollam. In pursuance to Ext.P4 order, petitioner joined duty on 2.7.2007 also. However, on 7.7.2007 by this order, Ext.P1 to the extent it transferred the petitioner and the first respondent has been cancelled and it is aggrieved by Ext.P5 that this Writ Petition has been filed seeking to quash the same.

2. A statement has been filed on behalf of the second respondent. It is evident from Ext.P5 that the order itself is issued on a representation made by the first respondent pointing out the ailment of the first respondent's wife and the convenience of her treatment at the Medical College Hospital, Thiruvananthapuram, he requested that he be retained at Kollam.

It is taking into account this compassionate ground that the Government have deferred transfer of the petitioner and the first respondent for a period of three months. Fact that the benefit of Ext.P5 will be confined to three months as is originally ordered is reiterated by the second respondent in the statement filed before this Court as well.

3. In these circumstances, I do not find anything irregular and and illegal in Ext.P5 justifying interference under Article 226 of the Constitution of India. Writ Petition lacks merit and it is only to be dismissed. I do so.

Antony Dominic,
Judge.

ess 9/8